

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

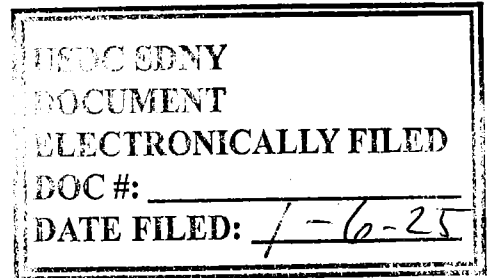
DAVID WINNE,

Judgment Debtor,

and

JP MORGAN CHASE BANK, N.A.,

Garnishee.



19-CR-0379 (VB)

**FINAL ORDER
OF GARNISHMENT**

WHEREAS, pursuant to the Mandatory Victim Restitution Act ("MVRA"), 18 U.S.C. §§ 3613, 3664(m), and the Federal Debt Collection Procedure Act ("FDCPA"), 28 U.S.C. § 3205, the United States of America ("the Government") sought, obtained, and served a writ of garnishment on the garnishee, JP MORGAN CHASE BANK, N.A., for substantial nonexempt property belonging to or due the judgment debtor, DAVID WINNE (Dkts. 46-47 and 50);

WHEREAS, on November 22, 2024, the garnishee filed an Answer with the Court and served a copy of it on the Government and the judgment debtor (Dkt. 49);

WHEREAS the garnishee answered that it has the in its possession, custody, or control one Managed Retirement Account No. ending in 5472 with an approximate value of \$106,594.38, subject to market fluctuation, belonging to or due the judgment debtor;

WHEREAS, in compliance with the FDCPA, the Government served the judgment debtor with the garnishment process more than 20 days ago (Dkt. 50);

WHEREAS the FDCPA requires the judgment debtor to file a claim for exemption, objection to the garnishee's answer, or request for a hearing within 20 days after service under 28

U.S.C. §§ 3202(d) and 3205(c)(5), that time has expired, and neither the Court nor the Government has received any such filing by or on behalf of the judgment debtor;


WHEREAS the judgment debtor still owes \$1,416,522.65 in unpaid restitution; and

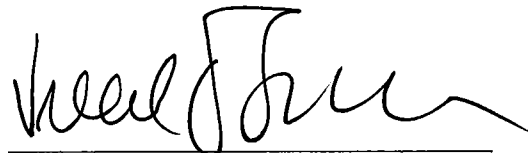
WHEREAS, pursuant to 28 U.S.C. § 3205(c)(7), after the garnishee files an answer, if no hearing is requested within the required time period, the Court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's nonexempt interest in the property held by the garnishee;

IT IS HEREBY ORDERED that the garnishee, JP MORGAN CHASE BANK, N.A., shall liquidate securities as needed to pay to the Clerk of Court within 15 days from the date of this order 100% of the full liquidated value of his Managed Retirement Account No. ending in 5472, less any deductions required by law, with no withdrawal penalty. *See* 18 U.S.C. § 3613; *United States v. Irving*, 452 F.3d 110, 126 (2d Cir. 2006) (MVRA permits the government to garnish retirement funds to satisfy a restitution order); and *United States v. Novak*, 476 F.3d 1041, 1062 (9th Cir. 2006) (involuntary court-ordered distributions from retirement accounts to pay criminal restitution are not subject to additional tax or penalty for early withdrawal);

Payments should be made to "Clerk of Court" with "No. 19 CR 0379" written on the face of each payment and mailed to the United States District Court, 500 Pearl Street, Room 120, New York, New York 10007, Attn: Cashier.

~~White Plains,~~
Dated: ~~New York,~~ New York


January 6, 2025



UNITED STATES DISTRICT JUDGE